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Clerk, U.S. Dist. Court
W. Dist. of N.C.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:05CV384-K

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
v.)
)
TWO CHEVROLET C1500 TRUCKS,)
)
 Defendant.)

CONSENT ORDER FOR STAY

This matter is before the Court on a request by the government and Arlene Bullard and Charles Bullard (collectively, "the Bullards" or "claimants"), through counsel, that this civil forfeiture case be stayed pursuant to 18 U.S.C. §981(g), pending resolution of a related criminal investigation. The parties have agreed and represent to the Court, and the Court finds:

1. In response to notices of administrative forfeiture, claimants, through counsel, submitted claims on or about June 10, 2005, to the Federal Bureau of Investigation. The administrative claims assert an interest in the defendant property, which was seized by the FBI on or about September 27, 2004.
2. Following referral of this matter to the U. S. Attorney's Office, the government, as permitted by 18 U.S.C. §983(a)(3)(A), filed the complaint herein on September 8, 2005.
3. On September 13, 2005, Magistrate Judge Keesler issued the order and warrant for arrest in rem.
4. On or about September 28, 2005, within the 120 days permitted by Fed. R. Civ. P. 4(m), the government served a copy of the complaint on claimants, through counsel.
5. The government has advised claimants' counsel that a related criminal investigation is pending. The government and claimants agree that a stay of this case at this point will avoid both interference with the government's investigation and possible prejudice to claimants' Fifth Amendment rights.
6. The government and claimants have agreed that a stay should be without prejudice to claimants' rights to file a claim, answer, and/or any other pleading or responsive motion

within the time permitted by the Rules of Civil Procedure, with the applicable time period to begin running from the date the stay is lifted. Counsel for claimants has filed or will file a notice of appearance herein, and both the government and claimants shall have the right to file a motion to lift the stay at any time, and the non-moving party shall have the right to oppose such a motion.

IT IS THEREFORE ORDERED that this case is stayed until further order of the Court.

Signed this the 14th day of November, 2005.



UNITED STATES _____ JUDGE

ON MOTION OF AND BY CONSENT OF THE PARTIES:

UNITED STATES OF AMERICA



WILLIAM A. BRAFFORD
ASSISTANT UNITED STATES ATTORNEY

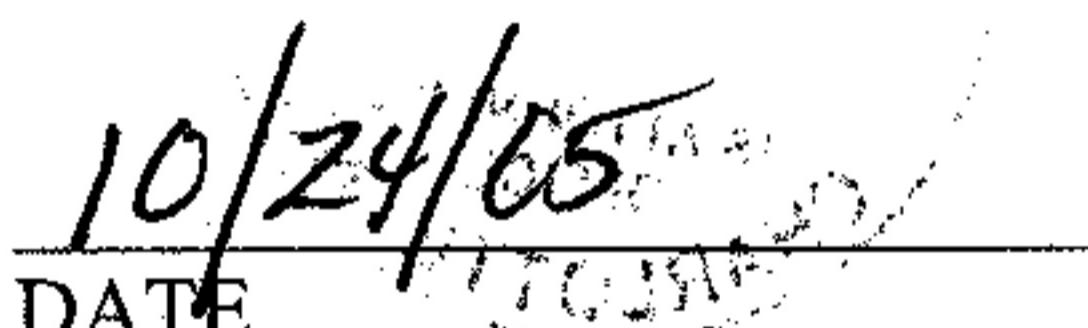


November 2, 2005

DATE



REGGIE E. McKNIGHT
ATTORNEY FOR CLAIMANTS



10/24/05

DATE